STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

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The State of Minnesota,
by Hubert H. Humphrey, III,
its attorney general,
and
Blue Cross and Blue Shield
of Minnesota,

Plaintiffs,

vs. File No. C1-94-8565

Philip Morris Incorporated, R.J.
Reynolds Tobacco Company, Brown
& Williamson Tobacco Corporation,
B.A.T. Industries P.L.C., Lorillard
Tobacco Company, The American
Tobacco Company, Liggett Group, Inc.,
The Council for Tobacco Research-U.S.A.,
Inc., and The Tobacco Institute, Inc.,

Defendants.

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DEPOSITION OF DOTTIE W. RATLEDGE

Volume I, Pages 1 - 122

http://legacy.library.ucsf.edu/tid/xpc07a00/pdf
Source: http://www.industrydocuments.ucsf.edu/docs/kqgl0001

(The following is the deposition of DOTTIE W. RATLEDGE, taken pursuant to Notice of Taking Deposition, under Rule 30.02(f), at the offices of Womble, Carlyle, Sandridge & Rice, PLLC, 3300 One First Union Center, 301 South College Street, Charlotte, North Carolina, commencing at approximately 1:45 o'clock p.m., April 17, 1997.

APPEARANCES:

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I N D E X

EXHIBITS		DESCRIPTION	PAGE MARKED
Plf's	53	"Areas of RJRT Covered by Collection Process After Mid-1994," two pages	13

P R O C E E D I N G S

(Witness sworn.)

MR. JONES: Just for the record, we had previously designated Exhibit 52 from the prior deposition as a confidential exhibit that should be handled in accordance with the protective order.

Please proceed.

DOTTIE W. RATLEDGE

called as a witness, being first duly sworn, was examined and testified as follows:

ADVERSE EXAMINATION

BY MR. O'FALLON:

Q. Could you please state your name for the record.

A. Dottie Ratledge.

Q. And Ms. Ratledge, where do you live?

A. Where do I live?

[DELETED].

Q. Is that in the [DELETED] area?

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A. It's west of [DELETED].
Q. And are you currently an employee of R. J. Reynolds Tobacco Company?
A. Yes, sir, I am.
Q. Ms. Ratledge, have you ever had your deposition taken previously?
A. No, sir.
Q. Can we just have a couple understandings here? Number one, I'm going to be asking you questions, and if at any time that you don't understand my question, would you please let me know and I will do what I can to clarify that for you?
A. Yes, sir.
Q. Also, because we're on videotape but we're also on a written record, could you please do your best to make sure that you answer audibly?
A. Yes.
Q. The camera will pick up head nods, but unfortunately --
A. Yes, sir.
Q. -- Mr. Stirewalt doesn't. Well he does; he does a pretty good job. But just in case. An "uh-huh" tends to be somewhat ambiguous. I know because I use that term a fair amount.
Finally, to the extent possible, and I'm -- I'm

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terrible, I'm a terrible violator of this rule, so you're going to have to bear with me, but only one of us can -- should really speak at any given time. So I will do my best not to talk over your answers, and if you could please do your best not to talk over my questions. It just makes for a cleaner record.

A. Yes, sir.

Q. And I apolgize in advance if I do it to you, and I do tend to did it, but I will do my best today.

I'm going to hand you what has been marked as Plaintiffs' Exhibit No. 46. Do you recognize that document?

MR. JONES: Go ahead, take a minute.

THE WITNESS: Okay.

A. Yes, sir, I do.

Q. And what is that document?

A. A notice of taking deposition.

Q. When's the first time you saw that document?

A. About two weeks ago.

Q. Do you understand that you have been designated as an individual to speak on behalf of the R. J. Reynolds Tobacco Company concerning the subject matter of Exhibit 46?

A. Yes, sir, I do.

Q. And do you understand that the subject matter of

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Exhibit 46 is basically the collection and production of documents in the Minnesota litigation?

A. Yes, sir.

Q. What steps did you take to prepare yourself to be able to testify here about those subject matters?

A. Met with Jones Day lawyers, Womble Carlyle lawyers, and Gray Plant lawyers several times.

Q. Could you just tell me specifically which lawyers you met with?

A. Jeff Jones, Tim Opsitnick from Jones -- Jones Day, Michael Leonard from Womble Carlyle, Jonathan Redgrave from Gray Plant.

Q. And how many times did you meet with those attorneys?

A. Four.

Q. How long did you meet with them each time?

A. Two and a half to three hours.

Q. During that time period did you review documents?

A. Some documents.

Q. What documents did you review?

A. Well I reviewed this notice of taking deposition, some organizational charts, and I reviewed a memo from Ken Lapeijko about reservation of documents.

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Q. Was it your understanding that the documents you reviewed were part of the documents that had been pre-designated by my client, the state of Minnesota and Blue Cross Blue Shield, in preparation for this deposition? If you know.
A. I don't know.
Q. Any other documents?
A. Not that I can think of right now.
Q. Were any non-lawyers present at any of the meetings that you've just talked about?
A. No, sir.
Q. In addition to lawyers --
MR. JONES: Let -- just -- just at one, if you're talking about all of them, at one of the meetings Janet Wheeler was --
THE WITNESS: Oh.
MR. JONES: -- was there. I know you're talking about the others, but --
THE WITNESS: Yeah.
Q. So at one of the meetings, Ms. Wheeler.
A. Yes.
Q. Did you have any additional conversations or meetings with any other individuals in order to prepare yourself for this deposition?
A. No, sir.

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Q. So you didn't speak to any other employees in other departments who --

A. No, sir.

Q. -- aside from Ms. Wheeler, who may have had some participation in the collection and production of documents?

A. No.

Q. Have we now discussed all the meetings you had in preparation for this deposition?

A. Yes, sir.

Q. Have we also discussed all the documents you have reviewed in preparation for this deposition?

A. Yes, sir.

Q. I would like to go a little bit into your employment background, and why don't we start by telling me what your current title and position is.

A. I'm a senior administrative assistant in records management.

Q. And how long have you held that position?

A. Since 1992.

Q. And what are your duties and responsibilities in that position?

A. To revise and update retention schedules for the company, to keep track of boxes that's sent to the records center.

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Q. Anything else?
A. Retrieve -- well re --
Well, it would be retrieve, put new boxes in and retrieve boxes for people who need -- who have their boxes in storage.
Q. Anything else?
A. Assure that policies, company policies for retention schedules are met.
Q. Anything else?
A. No, sir. Takes a lot of my time.
Q. How long have you been an employee of the R. J. Reynolds Tobacco Company?
A. Since 1987, the tobacco company. I was an employee of Industries, R. J. Reynolds Industries in 1973.
Q. What's the distinction between R. J. Reynolds Industries and R. J. Reynolds Tobacco?
A. R. J. Reynolds Industries was the parent company -- or just an industry -- a subsidiary of Reynolds.
Q. What was your first job with R. J. Reynolds Industries in 1973?
A. I was an accounts receivable clerk in Sea/Land Services.
Q. Physically where did you work?

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A. Physically? The NCNB Building in Winston-Salem.
Q. Did you say "NCNB?"
A. NCNB.
Q. And what is that?
A. It's a bank building.
MR. LEONARD: That's North Carolina National Bank.
Q. And what RJR Industries offices were housed in that particular building?
A. The Sea/Land -- Sea/Land Services.
Q. Any other RJR businesses located in that facility?
A. No, sir.
Q. Any --
Was RJR Tobacco a separate subsidiary at that time?
A. Yes.
Q. How did --
How long did you work as an accounts receivable clerk for RJR Industries?
A. From 1973 to 1981.
Q. What was your new title in 1981?
A. My new title in --
I was a mail courier for Mail Services in 1981.
Q. So you were --

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At that time you were not an employee of RJR?
A. Yes, I was RJR Mail Services.
Q. Okay. And what did you do in that function?
A. I delivered mail within the company.
Q. And when you say "within the company," are you referring solely to RJR Industries?
A. No, RJR Tobacco.
Q. So in 1981 --
A. I became a part of RJR Tobacco.
Q. Did you deliver mail to just one building as part of RJR Tobacco?
A. No, sir.
Q. How many facilities did you deliver mail to?
A. I don't remember. Probably 30 buildings.
Q. And was this all in the Winston-Salem area?
A. Yes, sir.
Q. And as part of those duties did you become well acquainted with the various locations of each R -- RJR facility in the Winston-Salem area?
A. Within the downtown area.
Q. In 1981 what physical locations was RJR Tobacco located in the downtown area of Winston-Salem?
A. Mail --
Well I was in the Plaza Building.
Q. Okay. And what was --

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What was in the Plaza Building for RJRT?
A. Various departments of RJRT.
Q. Do you know which departments?
A. I can't recall all the departments that were in that building.
MR. O'FALLON: I want to mark as the next exhibit a document that's been given to us by counsel as part of this deposition, and I'll just have it marked and ask you to look at it.
(Plaintiffs' Exhibit 53 was marked for identification.)
BY MR. O'FALLON:
Q. First of all, I ask you if you've seen that document previously?
A. No, sir.
Q. Let me just preface -- lead off on my questioning by saying what I'm going to ask you now is to go through some of the locations of the RJR facilities, the physical facilities in the Winston-Salem area, because you've testified that you worked in the Mail Services and have a fair familiarity with that. And my purpose here and the reason why I'm asking these questions, I just want to physically understand where documents were located in RJRT, both in 1981 when you started in the mail

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room -- or doing the Mail Services, and also we'll then move it forward by using some other documents. And again, I'm just trying to get a physical location.

You said that you --

MR. JONES: Just -- just --

Just, Dan, for your own purposes, this is taken from a 1994 organizational chart, so there may be some differences as you go -- if you use nineteen ninety -- eighty-one. But I don't mean to interrupt. Please, go ahead. I just wanted to alert you to that.

MR. O'FALLON: Right. And what I'm just going to use this for is a reference piece just to get a rough idea of where things were.

BY MR. O'FALLON:

Q. Can you tell me what other functions in 1981 were in the Plaza Building where you were physically located, and looking at this deposition exhibit?

A. 1981?

Q. Right.

A. Okay. I guess we refer to the Plaza Building Plaza Reynolds Complex. Marketing and sales, marketing, business information, were in that complex.

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Q. Okay. So the second, third and fourth entries --

A. Yes.

Q. -- were in that.

Could you just do me a favor? Do you got a pen there? I can get you a pen.

A. I do.

Q. Want to just put a --

Why don't you just write a P by each of those, and we'll know that that means Plaza.

Anything else?

A. Well executives would be in that building.

Forecasting, I have no idea what that was. Decision support, I don't know. Business information systems.

Q. Was in Plaza?

A. Uh-huh.

I don't know what corporate projects is.

Q. Sure.

And you can just go down, and to the extent you recognize them, tell me.

A. Yeah.

Sports marketing enterprises. Plaza.

Q. Sports marketing enterprises --

A. Yeah.

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Q. -- was at Plaza? Okay.
A. I guess SME still means sports marketing enterprises here.
Sales.
Q. Those three were Plaza as well?
A. Right.
Trade marketing, Plaza. Forsyth products, I'm not sure about it. Planning communications, Plaza. Brand promotion operations, Plaza. Savings business -- business unit, Plaza. Government relations, state government relations, federal government affairs, all of those.
Q. Were in the Plaza.
A. Yes.
That's -- that's all that I can think of that was in the Plaza Building.
Q. Is the Plaza Building still in operation?
A. Yes.
Q. And are those offices still in the Plaza Building that you just identified on Exhibit 53?
A. Yes.
Q. What other offices did you deliver mail to, RJRT offices?
A. To the down --
To the factories. I delivered mail to the

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factories, manufacturing plants.
Q. How many manufacturing plants were there?
A. I delivered to three.
Q. Okay. And why don't you just give me the name of each location.
A. No. 1 Cigarette, 64th Cigarette, 97, 63 Processing and 90 Processing were the manufacturing.
Q. For each of those buildings you've used a number. Are -- are all the RJR buildings numbered somehow?
A. They were at that time.
Q. Okay. So No. 1 Cigarette, was that a cigarette manufacturing facility?
A. Yes.
Q. And that was in the Winston-Salem area?
A. Yes.
Q. Was anything other than cigarette manufacturing done there?
A. I don't know that.
Q. Were any of the departments that are listed on Exhibit 53 housed in No. 1 Cigarette?
A. Well manufacturing is a --
Q. Okay.
A. Yeah.
Q. Any of the other departments other than

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manufacturing?
A. Well when I said tobacco processing, the -- the 90 Processing, that's a processing plant.
Q. Okay. So 90 Processing, and you also said 63 Processing.
A. Right.
Q. Are those both tobacco processing plants?
A. Yes.
Q. And when you say "tobacco processing," what do you mean by that?
A. They process the tobacco there.
Q. So they perform functions on the tobacco before it's then sent to a manufacturing plant to be made into cigarettes?
A. I've never -- I've never worked there, by I just know it's a processing plant.
Q. Okay. And again those -- both those buildings, 63 Processing and 90 Processing, are located in the Winston-Salem area; correct?
A. Right.
Q. You said 64 Cigarette, is that another cigarette manufacturing --
A. Manufacturing.
Q. Okay. And 97, is that 97th Cigarette, or did I write that down wrong?

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A. Right. That's manufacturing.

Now remember, this is in 1981.

Q. Right. And I'm going to ask the follow-up question, which is: How many of -- of -- strike that.

Are those five facilities still in existence?

A. No, sir.

Q. Are any of those five facilities still in existence?

A. No, sir.

Q. To the best of your recollection, when did those five facilities cease to exist?

A. Gosh, I don't remember. I do not remember.

Q. But all -- all five of them are now shut down, and I --

A. Yes, sir.

Q. Have their functions been moved to another plant --

A. Yes.

Q. -- or group of plants?

A. Right. Yes, sir.

Q. Where have their functions been moved? And let's just do them one at a time. Where are the functions from No. 1 Cigarette now?

A. It would either be at Whitaker Park

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Manufacturing or Tobaccoville.

(Discussion off the stenographic record.)

Q. How about No. 64 Cigarette?

A. Same -- same thing, Whitaker Park or Tobaccoville.

Q. Same with 97th Cigarette?

A. Yes, sir. Yes, sir.

Q. How about the functions from 93 Processing?

A. Both processing would be done at another processing plant, 603 Processing.

Q. Is Whitaker Park Manufacturing a facility currently in existence?

A. Yes, sir.

Q. And is Tobaccoville a facility currently in existence?

A. Yes, sir.

Q. And is 603 Processing currently in existence?

A. Yes, sir.

Q. Do you know when Whitaker Park was opened, approximately?

A. I --

It's probably been 25 years ago.

Q. Okay. So Whitaker Park was in existence when No. Cigarette --

A. Yes, sir.

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Q. -- No. 1 Cigarette was in existence?
A. Yes, sir.
Q. It's just at some point the functions from No. 1 Cigarette were also --
A. Yes sir.
Q. -- then transferred over to Whitaker.
A. They sure were.
Q. Was there additional building that went on to house those functions at Whitaker Park?
MR. JONES: Objection. If you know.
A. I don't know.
Q. Where is Whitaker Park located?
A. In Winston-Salem.
Q. And what's done currently at Whitaker Park Manufacturing?
A. Sir, I don't know, I'm not a manufacturing person.
Q. Do you ever receive documents in the records center from Whitaker Park?
A. Yes, sir.
Q. What type of documents do you receive from them?
A. They're batch -- well they're --
They're documents about shipping and receiving, I would expect.
Q. Why would you expect that?

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A. Well I don't -- I don't look at their documents. They box them and send them in and give me a brief description.
Q. And the descriptions that they give you are -- usually reflect shipping and receiving documents?
A. Yes.
Q. Is it your understanding that they manufacture cigarettes at Whitaker Park?
A. Yes, sir.
Q. How about Tobaccoville, do you know what they do at Tobaccoville?
A. Manufacture cigarettes.
Q. And you still receive documents from Tobaccoville?
A. Yes, sir.
Q. What type of documents do you receive from Tobaccoville?
A. There -- there again, I don't look at their documents. They give me descriptions, their shipping and receiving.
Q. Sure. And that's the kind of documents they're sending you, predominantly, is shipping and receiving documents?
A. Basically.
Q. Tobaccoville is in the Winston-Salem area?

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A. It's actually Tobaccoville, North Carolina, which is right outside of Winston-Salem.
Q. Is it in Forsyth County?
A. Right.
Q. How long has that Tobaccoville facility been in operations?
A. I don't remember. Gosh, I don't remember when -- what year it was --
Q. Has --
Has it been in existence since the time you started in 1981 to deliver the mail?
A. I don't --
I don't remember it being there in '81 when I was delivering the mail. I didn't deliver it to that facility anyway. But I don't remember it.
Q. So it was built at some point after 1981, to the best of your recollection.
A. To -- to the best of my knowledge.
Q. The 603 Processing plant I assume does tobacco processing; correct?
A. I would assume.
Q. How long has that facility been in existence?
A. I have no idea.
Q. Was it in existence in 1981 when you started to deliver mail?

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A. I don't remember because that was not one of my areas that I delivered to.

Q. Where is the 603 Processing plant located?

A. In Winston-Salem.

Q. Do you know whether, when the No. 1 Cigarette, No. 64 Cigarette and 97th Cigarette, 63 Processing and 90 Processing facilities were closed, whether all their documents were either transferred to the facilities you've mentioned or were sent to the records center?

A. They were boxed and sent to the records center.

Q. In their entirety?

A. Yes, sir.

Q. When records are boxed up and sent to you at the records center, what accompanies those records? Is there some kind of a listing of what's in the boxes that comes to you?

A. No, sir, it does not come in the box. It comes to me.

Q. Okay.

A. It doesn't accompany the -- accompany the box.

Q. And what is that record called?

A. Records transfer list.

Q. For better or for ill, I had the opportunity last week to talk in detail about the record transfer

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lists with Lorillard's person who has somewhat your functions, so that's why I was -- just trying to see whether or not you called it the same thing.

Generally speaking, what kind of information is contained on that records transfer list?

A. The department number, the location of the department, the actual physical location, and a brief description of what's in the box.

Q. Do you then log in these boxes as they come in to you?

A. Yes.

Q. And what kind of information do you place in your log?

A. The same thing they have given me.

Q. Is that information kept on computer?

A. Yes.

Q. Is it also kept in hard copy?

A. Yes.

Q. Is there also listed for each box a retention or destruction status?

A. Not on each box.

Q. How is that reflected?

A. Well in a way it is. The destruction date is calculated and is put on the label when the label is printed for the box. The retention periods are --

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are a built-in mechanism.

Q. So if I were to look on an entry for a given box on your log, would I be able to see on that log the date it came in to your facility?

A. On --

The date it came in to my -- my facility? No.

Q. Would I be able to see on that log the date it was slated for destruction?

A. Yes, sir.

Q. And would I be able to see on that log whether in fact it was destroyed?

A. If it's not on that -- if it's not on that log --

I mean if it's on that log, it was not destroyed.

Q. Okay. So when you go through the process of --

Say, for instance, you've got a -- a box from No. 1 Tobacco that's shipping and receiving reports and it was slated for -- it came into your facility sometime -- at some point, let's say in 1992, and it's slated for destruction in 1994, and in fact you go ahead and do that destruction, --

A. No.

Q. -- where will that be reflected?

A. Where will it be reflected if a destruction is

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done?
Q. Yeah.
A. I keep all hard copies of all destruction.
Q. Okay.
A. I mean there's a -- there's a form that has to be signed by five or six people before destruction can be done, and I keep that form on file.
Q. Okay. And is there also, then, some reflection made on the log, like on the computer?
A. No.
Q. Let's go back to a hypothetical box. Let's call it box 510 --
A. Uh-huh.
Q. -- just for the sake --
And box 510 comes in and it's slated for destruction, and in fact you go through the process and you have your document-destruction form signed by the relative people and that box is -- is destroyed. What then happens to the entry for 510 on your computerized log? Is that deleted?
A. It is taken off my computer.
Q. Is it then moved to some other kind of a log, like a log of destroyed documents?
A. Yes, it -- it sure is. Not --
Yeah.

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Q. So if I were to arrive at your facility one day and wanted to just track this through, I would be able to look, first of all, at a log of all documents retained; correct?

A. Uh-huh.

THE REPORTER: Your answer?

THE WITNESS: Yes, sir.

Q. Then I would also be able to look at a log of all documents or boxes of documents that had been destroyed; correct?

A. Yes, sir.

Q. And I could look at that information on the computer; correct?

A. No, sir.

Q. Okay.

A. It would be in --

It would actually be microfilm.

Q. And is that just for the log of destroyed documents that's on microfilm?

A. Yes, sir.

Q. So the log of destroyed documents is on microfilm.

A. Yes, sir.

Q. Is it also in hard copy?

A. No, sir.

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MR. JONES: Just for the record, we keep using the notion "log of destroyed documents," and I think the witness has noted that it's a box.

THE WITNESS: Yeah.

MR. JONES: It's a box.

THE WITNESS: It's a box, not -- not a document system. It is a box system.

MR. O'FALLON: Okay, fine.

Q. Let me ask a clarifying question. When you go through and destroy any group of documents, you -- you destroy them by the box, you don't destroy them by box -- documents in the box.

A. No, sir. We do them by box.

Q. So if box 510 were destroyed, everything in box 510 would be destroyed; correct?

A. Yes, everything would be destroyed.

We have a system at our records center, when a destruction -- when anybody signs off on a destruction, we make sure that that box has not -- or has been screened for litigation before it is destroyed.

Q. And I --

A. Yeah.

Q. I'm actually not even asking about that right now. I'm just trying to understand your process.

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A. Yeah.
Q. Is it your testimony that at no time would just part of a group of documents from a box be destroyed?
A. No, they would not. The whole box.
Q. So it literally is a box system and --
A. Yes, it's a box tracking system.
Q. And it's an all or nothing system.
A. Right.
Q. Either the whole box is retained or the whole box is destroyed.
A. That's right.

MR. JONES: Just for the record, I think retention/destruction issues are outside the scope of the deposition notice, but in an effort to try to give as much leeway as possible, you know, we're letting the deposition proceed. But just for the record, we believe they're outside the scope of the notice issued.

MR. O'FALLON: I understand that. And just for the record, it's basically my position that you can't really talk about what's collected until you know what's physically there, and that's why I'm going into this -- into this particular area. And I'm particularly going into it with this witness because I understand she has this particular

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expertise.

BY MR. O'FALLON:

Q. I'm going to come back a little more so you and I can talk in a little more depth about exactly what happens in the records center, although I'll tell you that's very helpful to know initially how that process works. When we started this, we were also talking about the various locations of R. J. Reynolds facilities in 1981, and I just want to come back a little bit to that process.

Actually I have one more clean-up question. At the time a box of documents is slated for destruction, is there a detailed indexing of that box that's done so that you have some record that reflects exactly what was in that box before it's destroyed?

A. I have --

The information that I have is what they send in to me on the records transfer list.

Q. And so at no time between --

At no time before a box is destroyed do you go back and supplement the information on that records transfer list; correct?

A. No, sir. I don't --

You know, I just do what the custodian sends to

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me. I -- that's -- that's the only description that I have of that box.

Q. And when you use the word "custodian," what you're talking to is the individual who originally had the documents.

A. That's exactly right.

Q. And presumably it's that individual who put together the box of documents and also the -- the records transfer list that's then sent to you.

A. Right.

Q. And I assume you have policies and procedures in place for how that whole process is to be --

A. Yes.

Q. -- conducted; correct?

A. Yes, sir.

Q. Let me go back, and not to be redundant: Did I ask you whether or not -- when the 603 Processing plant to the best of your knowledge came into existence?

A. I don't remember. I don't.

Q. Okay. What are the locations in Winston-Salem you delivered mail to in 1981?

A. Just those locations, the downtown area.

Q. And have we now covered all the downtown locations?

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A. Yes, sir.
Q. Were there other RJR facilities in the general Winston-Salem area in 1981 that you're aware of?
A. Trucking and storage is downtown.
Q. How about outside of the downtown area, what are the other facilities in the Winston-Salem area that you're aware of as of 1981?
A. Gosh, I don't know. I don't know.
Q. Do you know where research and development was at that time?
A. 1981? It would have been in the downtown area.
Q. But you didn't deliver to that point.
A. No.
Q. Let me get back to your personal employment history. How long did you stay in the mail delivery department?
A. Two to two and a half years.
Q. What was your next position?
A. Administrative assistant in records management.
Q. And that would have been about 1983?
A. Early '84.
Q. And where was that facility located in early 1984?
A. The World Headquarters Building.
Q. Where was that building?

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A. In Winston-Salem.
Q. Is that separate and distinct from the Plaza Building we've talked about?
A. Yes, sir.
Q. What departments were located in the World Headquarters Building in Winston-Salem?
A. Public relations. Gosh, I can't remember all the departments that were in that building. There was Industries --

I cannot remember all the departments in that building.

Q. In looking at Exhibit 53, does that help refresh your recollection at all about other departments that might have been in that building?
A. Well I know public relations was one of them, but I don't --

The others do not ring a bell.

Q. Okay. How long did you remain an administrative assistant in the records management department?
A. Until 1992.
Q. And at that time in 1992 your title changed to your current title; correct?
A. Yes. Yes, sir.
Q. What were your duties as an administrative assistant in the records management department?

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A. Basically I kept up with the daily incoming and outgoing boxes, and I was involved in doing -- doing retention schedules.

Q. Did that involve physically calculating how long documents were to be retained?

A. In some instances, yes.

Q. What else did it involve?

A. Capturing all the documents for various -- for department -- whichever department we were working in, or what kind of reports -- actually reports that they had in the department, and setting a retention period on those reports.

Q. So in addition to handling documents that were coming in to storage and going out from storage, you also had an active role in setting retention time periods for documents that were actively in individuals' files?

A. Right.

Q. How would you approach that job? I assume you can't every day be working in just one department, so would you kind of go from department to department and handle all the documents in each department and then move along?

A. Yeah, we would -- we would go in and actually talk to the person whose documents they were. And we

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wouldn't actually look at the documents, but they would tell us what kind of -- well actually not documents, what kind of reports that they would have.

Q. And when you use the word "report," what are you referring to there?

A. Well if they -- they just --

They had their documents, and we would call it a title like -- you know, for an accounting record you would call it an accounting so and so record, like a general ledger or whatever.

Q. Right.

A. We wouldn't actually look at the documents, we would just give it the title.

Q. Were all documents within an R. J. Reynolds employee's files supposed to be categorized into some type? I mean --

A. Some title.

Q. So you had at someplace a list of titles by which documents needed to be categorized; correct?

A. Yes, sir.

Q. And presumably every individual would have to go through their documents on a periodic basis and say, okay, this is X kind of document, this is Y kind of document; correct?

A. Well we set retentions for a normal course of

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business, and that included litigation or tax holds, you know, for tax purposes.

(Discussion off the stenographic record.)

Q. Were there ever documents retained in employees' files that fell outside the title that you had listed on your document-retention list?

A. They would fall within one of those categories.

Q. Okay. So, for instance, was there a category for draft reports?

A. Draft reports?

Q. Right.

A. I don't recall that particular one because I have like -- it's possibly 5,000 titles --

Q. Sure.

A. -- and I can't --

You know, I don't remember the exact titles of all of them here today.

Q. Do the titles change from department to department, I assume?

A. Sure.

Q. So, for instance, somewhere, if I were to look it up, there should be a listing of every title of every type of document retained in research and development; correct?

A. There should be. Most of --

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There should be.
Q. And again, if a document fell outside the accepted titles, such as -- now I don't know this for a fact, but such as a draft document, is that a document that then wouldn't have a retention period?
A. No, sir. No, sir. If I get something on a transfer sheet that is new to me, that is set up and a temporary retention period put on it until I can find out what -- what it is. And we set a retention.
Q. Now in your role as both administrative assistant in records management and your current role, have you literally been in every department in RJR that has documents?
A. Once upon a time, yes. But in the '90s, no.
Q. Because in the '90s you became more of a manager; correct?
A. Right.
Q. But during that time period from 1984 to 1992, at one time or the other you have basically --
A. Basically been in every department.
Q. So you would physically know every place that there are documents located for RJR Tobacco; correct?
A. Should.
Q. What I'd like to do now is ask you to look at what has already been marked previously as Exhibit

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47, and specifically I'd like you to look at pages starting in Bates stamp number 500422381 through 2384. Can you just take a moment to look at that?

First of all, do you recognize this document?

A. It's an organizational chart.

Q. And if you look back on a couple of the pages, it appears that it's an organizational chart from August 1st of 1984.

A. Yes, sir.

Q. But again, what I want to use this for at the current time is just as a reference, and I think we've covered a lot of this, but I just want to know to the extent that you can tell me the physical location of the documents of each of the departments listed here.

By the way, is this, to the best of your knowledge, a complete listing of all of the departments at RJRT in 1984?

MR. JONES: Note my objection, but go ahead.

THE WITNESS: Sir?

MR. JONES: Note my objection, but go ahead.

THE WITNESS: Oh, okay.

Q. And just so you under --

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A. To the best of my ability.
Q. And just so you understand, from time to time counsel will make objections, and you're free to answer after he makes his objection -- he's making that for the record -- unless he instructs you specifically not to answer.
I think we went over a lot of this, but I'd just like to quickly go through this document with you and try to make sure I understand physically where the documents of these various departments are located. On the very first part of the document, on Bates stamp number, last three numbers, 381, executive management for RJRI, I'm not going to ask you about. Executive management for RJRT, where were those documents located?
A. In 1984, --
Q. Right.
A. -- sir? They would be at my records center.
Q. Well presumably there's also ongoing files; right?
A. Yes.
Q. Okay. Where are the ongoing files located?
A. The ongoing would be in their active files.
Q. Right. Where are those files physically located?

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A. In the --

If it's RJRT, it's in the Reynolds Plaza Complex.

Q. Okay. Public affairs, where would those documents be located?

A. In the Reynolds Plaza Complex.

Q. Law department, where were those documents be located?

A. Reynolds Plaza Complex.

Q. Personnel?

A. Reynolds Plaza.

Q. Personnel operations?

A. Reynolds Plaza.

Q. Public relations?

A. Reynolds Plaza.

Q. Finance and administration?

A. Reynolds Plaza.

Q. Are the rest of the departments listed under finance and administration also in Reynolds Plaza?

A. Yes, sir.

Q. Let's go to the next page, 382.

Operations. How about the executive vice-president of operations, where were his offices located?

A. I'm not real sure.

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Q. Under "Production" you've listed the plants, I think, that we talked about previously; correct?
A. Yes.
Q. And presumably for 1 Cigarette, their documents are located either at the 1 Cigarette or any documents that have been sent to storage are located at --
A. Storage, it would be in records center.
Q. Right. And I assume the same answer applies for 4 Cigarette, 64 Cigarette, Whitaker Park, Tobacco Processing and Production Operations Planning?
A. Production -- I don't -- Production Operations Planning, I'm not real sure about those.
Q. Okay. Where was quality assurance located?
A. R&D building.
Q. Engineering?
A. Engineering. I don't -- let's see, engineering. I don't know.
Are we asking about '84 where were they located, or presently?
Q. Yes, let's do '84 for now, and I've got another document here we can go to move you up to the present.
MR. JONES: If you recall back in 1984.
MR. O'FALLON: If you don't, that's fine.

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THE WITNESS: I don't.

MR. O'FALLON: Okay.

THE WITNESS: I don't.

Q. And just so we're clear, any time you don't know the answer to a question, --

A. Yeah, I know.

Q. -- tell me and we'll move on. This isn't a quiz. Either you know it or you don't know it. Well it is a quiz, but I'm not asking you to remember --

A. No, I can't --

Q. -- any information you never knew. Okay?

A. I can't remember.

Q. And would your answer "I don't know" apply to engineering operations, engineering support, project management and engineering and design services?

A. I don't know.

(Discussion off the stenographic record.)

Q. We'll just have -- again for the court reporter, it's -- it's helpful if we let each other talk. I know it's hard because it's not typical communication, but --

I assume I don't have to fight with you to agree this isn't typical communication; right?

Manufacturing engineering, do you know about that?

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A. I don't know.
Q. Facilities development?
A. I don't -- I don't know.
Q. Process technology development?
A. Process technologies. I don't know.
Q. Sales.
A. Plaza Reynolds.
Q. Field sales?
A. Plaza Reynolds.
Q. Regional sales?
A. Plaza Reynolds.
Q. Sales personnel?
A. Plaza Reynolds.
Q. Sales operations?
A. Plaza Reynolds.
Q. Merchandising.
A. Plaza Reynolds.
Q. Could I just go back for a second to field sales. Does Reynolds also have sales offices located outside of Winston-Salem?
A. Yes, sir.
Q. Have you been to those facilities?
A. No, sir.
Q. Who has responsibility for doing document retention for those facilities?

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A. Field sales office in Winston-Salem.
Q. Do they do that in conjunction with your department or do they have independent authority for that?
A. With my department.
Q. Does your department actually sent -- set the retention periods?
A. Yes, sir.
Q. But then they implement them; right?
A. Yes, sir.
Q. So it would be those folks who'd actually go out and physically deal with the documents and set the retention policies.
A. Well, yes.
Well, no. I would help with the retention policy.
Q. Where was the marketing department located in 1984?
A. Reynolds Plaza.
Q. Does that also apply to marketing services?
A. Yes, sir.
Q. Promotion and promotional products, was that Plaza?
A. Yes, sir.
Q. Media, in the Plaza?

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A. Yes, sir.
Q. Special events in the Plaza?
A. Yes, sir.
Q. The rest of the departments on page 2383 following -- starting at brands and following to the end of the page, are they all located in the Plaza?
A. Yes, sir.
Q. And finally page 384, research and development, where were those files located in 1984?
A. R&D building.
Q. And that's --
A. In Winston-Salem.
Q. But it's outside the downtown.
A. Yes.
Q. Are there any other locations for documents in 1984 that you're aware of that I have not covered?
A. No, sir.
Q. Let me go through this same process with what's been marked as Exhibit 48. Why don't you just take a quick look through Exhibit 48 and tell me if you recognize that document.
A. Can I move around a minute?
Q. You may certainly do so. You want to take five minutes?
A. Please. Can we?

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Q. Yes.

THE REPORTER: Off the record, please.

(Recess taken.)

BY MR. O'FALLON:

Q. Have you had a chance to look over briefly Exhibit 48?

A. Yes.

Q. Do you recognize this document?

A. Yes. Organizational chart.

Q. And from what year?

A. 1994.

Q. I'd just like to look at the first page and I just want to clarify the record on one point. I've a couple times used the acronym RJRT. Does that mean RJR Tobacco?

A. Yes, sir.

Q. And the formal name for that would be R. J. Reynolds Tobacco; correct?

A. Yes, sir.

Q. Does this appear to be a complete listing of the various departments in RJRT as of February 1994?

MR. JONES: Note my objection. Go ahead.

A. To my knowledge, it does.

Q. And I'd just like to go through this list and -- and do basically what I did with the last

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organizational chart, which is ask you for the physical location of the documents in these departments to the extent you know. And let me just ask you a quick underlying question.

As of 1994, did you have a familiarity with the various departments at RJRT?

A. In some respects I did.

Q. Your department would be receiving documents on a regular basis from all of the areas --

A. From all the departments.

Q. And again I know this is hard to do, but be careful about cutting over my last word because it's hard for him.

Where was the executive department located?

A. Reynolds Building, Reynolds Plaza.

Q. Marketing and sales?

A. Reynolds Plaza.

Q. Marketing?

A. Reynolds Plaza.

Q. Fulfillment operations?

A. Reynolds Plaza.

Q. Can you tell me what fulfillment operations is?

A. I -- I -- I don't know. Fulfillment -- I don't know.

Q. Consumer relationship marketing?

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Q. Business information?
A. Reynolds Plaza.
Q. Forecasting?
A. Reynolds Plaza.
Q. Decision support?
A. Reynolds Plaza.
Q. Business information systems?
A. Reynolds Plaza.
Q. Corporate projects?
A. Reynolds Plaza.
Q. Business unit research?
A. Reynolds Plaza.
Q. Sports marketing enterprises?
A. Reynolds Plaza.
Q. SME - Vantage Golf?
A. Reynolds Plaza.
Q. SME - operations?
A. Reynolds Plaza.
Q. SME - event promotions?
A. Reynolds Plaza.
Q. Sales and marketing department?
A. Reynolds Plaza.
Q. Sales?
A. Reynolds Plaza.

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Q. Trade marketing?
A. Reynolds Plaza.
Q. Merchandising?
A. Reynolds Plaza.
Q. Trade development?
A. Reynolds Plaza.
Q. Forsyth Products?
A. Reynolds Plaza.
Q. What is Forsyth Products, do you know?
A. Not really.
Q. Account marketing services?
A. Reynolds Plaza.
Q. Planning, communications?
A. Reynolds Plaza.
Q. Sales systems?
A. Reynolds Plaza.
Q. Brand promotion operations?
A. Reynolds Plaza.
Q. Promotion production?
A. Reynolds Plaza.
Q. Sales marketing?
A. Reynolds Plaza.
Q. Savings business unit?
A. Reynolds Plaza.
Q. Government relations?

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A. Reynolds Plaza.
Q. State government relations?
A. Reynolds Plaza.
Q. Federal government affairs?
A. Reynolds Plaza.
Q. Operations?
A. Reynolds Plaza.
Q. Manufacturing. Would these be the various manufacturing locations we've talked about?
A. Yeah.
Q. And in 1994 would that be Whitaker Park, Tobaccoville and 603 Processing?
A. Yes. Yes, sir.
Q. Other than Whitaker Park, 603 Processing and Tobaccoville, are there any other manufacturing facilities for R. J. Reynolds at this time?
A. No, sir.
Q. Do you know what I mean when I refer to a substance called G13?
A. I've heard G13, but I don't really know.
Q. How about G7?
A. I've heard the term G7, but I don't really know.
Q. Is that --
Do you know whether that's reconstituted tobacco?

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MR. JONES: Note my objection.

A. I don't -- I don't know.

Q. You don't happen to know where that's manufactured; do you?

A. No, sir.

Q. Okay. RJR Packaging -- I'm sorry, let's --

For the record, we're now turning to page 508372573 and we're talking about the location of the various departments.

Where is RJR Packaging listed -- located?

A. In Winston-Salem.

Q. Is that a separate facility?

A. Yes, it is.

Q. Engineering?

A. Engineering, I think they're in the R&D building.

Q. Distribution and logistics?

A. Reynolds Plaza.

Q. Tobacco processing?

A. It would be in another building, but not -- I don't know the 603. The processing would be in another building in Winston.

Q. Okay. Which may be that 603?

A. Should -- might be the 603. May be.

Q. Environmental and support services?

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A. I'm not sure about that one.
Q. Finance and administration?
A. Reynolds Plaza.
Q. Finance and accounting?
A. Reynolds Plaza.
Q. Sales and marketing financial services?
A. Reynolds Plaza.
Q. Financial planning and accounting?
A. Reynolds Plaza.
Q. Treasury operations?
A. Reynolds Plaza.
Q. Savings financial services?
A. Reynolds Plaza.
Q. Controller - tax?
A. Reynolds Plaza.
Q. Operations finance?
A. Reynolds Plaza.
Q. Purchasing?
A. Reynolds Plaza.
Q. Information resources?
A. Reynolds Plaza.
Q. Security?
A. Reynolds Plaza.
Q. Internal audit?
A. Reynolds Plaza.

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Q. Tax counsel?
A. Reynolds Plaza.
Q. Business planning?
A. Reynolds Plaza.
Q. Leaf operations?
A. Reynolds Plaza.
Q. Law?
A. Reynolds Plaza.
Q. Human resources?
A. Reynolds Plaza.
Q. I'm not sure what the C-O-M-P stands for, but "COMP., EMPLOYMENT BENEFITS, HRIS?"
A. Reynolds Plaza. Yeah, Reynolds Plaza.
Q. "H.R. & EMPLOYMENT PRACTICES?"
A. Reynolds Plaza.
Q. Human relations operations?
A. Reynolds Plaza.
Q. Human resources and employment?
A. Reynolds Plaza.
Q. Aviation?
A. It's in another facility in Winston.
Q. I just have to ask this question because I've read "Barbarians at the Gate": Do you still have the fleet of planes that you had?
A. I don't know.

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MR. FINZEN: The RJR Air Force.

Q. Organization development and training?

A. Reynolds Plaza.

Q. External relations?

A. Reynolds Plaza.

Q. Public relations?

A. Reynolds Plaza.

Q. Public affairs?

A. Reynolds Plaza.

Q. Public issues?

A. Reynolds Plaza.

Q. Corporate affairs?

A. Reynolds Plaza.

Q. Community affairs?

A. Reynolds Plaza.

Q. Research and development?

A. It's in another building in Winston-Salem.

Q. And that's the research and development building; correct?

A. Correct.

Q. Product development?

A. Research building.

Q. Technical support?

A. Research and development building.

Q. Process technology and development?

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A. Research and development building.
Q. Health and environment sciences?
A. Reynolds -- the R&D --
Reynolds research and development building.
Q. Quality assurance?
A. R&D building.
Q. Brands R&D?
A. The R&D building.
Q. International R&D?
A. R&D building.
Q. Does the records management center receive documents from Cologne?
A. No, sir.
Q. Where are those documents stored permanently?
A. Those -- I don't have those --
I don't know. That's a separate company. I don't -- I don't have those and I don't know.
Q. Does records management perform -- perform any services for companies other than RJR Tobacco?
A. No, sir.
Q. You don't store any RJR Nabisco documents?
A. No, sir, not in my facility.
Q. Are there any other facilities where RJR Nabisco documents are stored by RJR Tobacco?
A. Repeat that.

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MR. JONES: Note my objection.

Q. When you said not at your facility, that -- that caused me to ask the question whether or not there are RJR Nabisco documents stored by some other division of -- of RJR Tobacco, to your knowledge.

A. Not to my knowledge.

Q. We've referred today or learned today about a department known as COMPLISS. Are you familiar with that department?

A. Yes, sir.

Q. Where is COMPLISS located?

A. In Winston-Salem.

Q. Where at in Winston-Salem?

A. In the downtown area.

Q. Is that a separate facility from the ones we've been talking about?

A. Yes, sir.

Q. Is that an office building of some type?

A. Yeah. It's a Reynolds-owned facility, a Reynolds -- R. J. Reynolds-owned facility.

Q. How large is that facility?

A. Gosh, I don't know.

Q. Have you been there?

A. Yes.

Q. And again I'm not --

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Is it like a one-story building, a two-story building?
A. I don't know how many floors it has.
Q. More than one?
A. Yeah, it has more than one floor.
Q. More than five?
A. I don't know.
Q. Do you have any responsibilities for the records in the COMPLISS facility?
A. I send boxes to them.
Q. Do you receive any boxes from them?
A. Yes, sir. When I send them, they send them back.
Q. Okay. I didn't mean to be --
A. Oh, no. I mean -- you know.
Q. Believe it or not, I actually probably understood that. But independently of that, do you store any -- any documents for -- for them apart from those that you've already sent them?
A. Do I store any for them?
Q. Right. I mean is COMPLISS considered a department of RJRT that also has a document-retention schedule such that they will occasionally send you documents for permanent storage?
A. I don't think I have any COMPLISS documents in

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my storage.

Q. COMPLISS is one RJR facility that's not referenced on this organizational chart. To the best of your knowledge, are there any other RJR facilities that are not referenced on this organizational chart which we have not talked about?

A. Not to my knowledge.

Q. Part of what our notice of deposition asks about is the collection of documents, and when we're talking about that, we're referring to the collection of documents for litigation purposes. What is the first such collection of documents for litigation purposes at R. J. Reynolds Tobacco that you're aware of?

A. In 1984.

Q. What happened in 1984?

A. 1984, there was a comprehensive effort throughout the company.

Q. Comprehensive effort to collect documents?

A. Documents.

Q. Do you know why that comprehensive effort was undertaken at that time?

A. No, sir.

Q. At that time was that a comprehensive effort to collect documents relating generally to smoking and

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health issues?
A. I don't know.
Q. Do you understand what I mean by "smoking and health issues?"
A. Yes, sir.
Q. How do you define that term, just so I can make sure that we're talking about the same thing?
MR. JONES: Note my objection to the extent plaintiffs have provided a definition in this case. But if you have some other understanding, go ahead.
MR. O'FALLON: And again, what I'm -- I'm trying --
I just want to make sure when you and I use the term "smoking and health," we're both on the same page, and that's why I'm asking you what you mean by it. And then if I have a different definition, we'll work with that.
A. I guess I would associate it with an illness.
Q. You understand that there has been certain lawsuits brought over time against R. J. Reynolds Tobacco Company alleging that certain human diseases in either individuals, or in our case, groups of individuals, have been caused by smoking; correct?
A. Yes, sir.
Q. In 1984 when this comprehensive effort was

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undertaken to collect documents, was it your understanding that the company was collecting documents related generically to those issues, those questions of whether cigarettes cause disease in humans?

A. I had just gone into records management in '84 and I know that there were collection -- a mass collection of documents for litigation.

Q. What role did you play in that document collection in 1984?

A. I didn't play a whole lot. I know that they spent a lot of time -- I just know that they spent a lot of time at the records center and in various areas of the company collecting documents, screening documents.

Q. And when you say "they," who are you referring to?

A. I would assume counsel.

Q. Was it counsel that physically went through the documents to determine what documents needed to be collected?

A. Reynolds counsel and outside counsel.

Q. Was the outside counsel that performed that function the Womble Carlyle firm?

A. I believe so.

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Q. Were there any other firms with Womble Carlyle at that time in 1984?
A. I'm not sure.
Q. Were you aware what the attorneys did in 1984 beyond the confines of your department?
A. Beyond the confines of my department.
Q. Right. In other words, I assume you knew what they did regarding going through documents in the records retention center; correct?
A. Yes.
Q. Did you know what they also did regarding records outside of that department in the other departments in the firm?
A. Yeah.
Q. And how did you know that information?
A. They were going --
I know that they were going through R&D and marketing and other -- other departments.
Q. What was your understanding of the departments they went through in 1994 -- 1984?
A. My understanding?
Q. Right.
A. They screened documents.
Q. No, I -- I understand that. What I was specifically asking is what was your understanding as

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to which departments they looked in in 1984 for documents, to the extent you know?

A. R&D, marketing and sales, the external relations group, the executives. That's all I can remember at this time.

Q. When they came into your department, did they sit down with the people in your department to get a general understanding of what kind of documents you had -- had in the document-retention facility?

A. In my area?

Q. Right.

A. In 1984?

I don't -- I don't recall. Don't know.

Q. Do you recall how they went about conducting their search?

A. Um --

Q. In 1984.

A. In 1984. They would -- would go to the various departments and collect all the records from that area.

Q. Now when they came to your department, records management, did they collect all the records in records management?

A. All of my physical -- my personal records management, or are you talking about the records

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center?
Q. I'm talking about the records center at this point.
A. Yes. Well all the -- the departments that I have just named.
Q. Now when you say "collected," did they physically go through and, for instance, for every box in the records management center from R&D, did they make copies of every single box, or did they look through those boxes, mark certain documents, and then only make copies of those documents?
A. I don't know.
Q. To the best of your understanding in 1984, not every box of documents in records management was reviewed; correct?
A. No, they didn't review some financial areas.
Q. Of the boxes they reviewed, did they copy every document that they reviewed?
A. They --
I would think that they would have copied the documents that were responsive to whatever they were -- litigation or whatever.
Q. And would that group of documents, the responsive documents, be a lesser set than all the documents they looked at?

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A. A lesser set.

I don't -- I don't know.

Q. Once they were done with their review, could you tell what documents they had actually --

A. Yes, sir.

Q. -- copied out of a box?

A. Yes, sir.

Q. And how could you tell that?

A. They had a number on them.

Q. So there was a -- a number on a box if they had collected documents out of it?

A. Right. There was a number on the document itself.

Q. Okay. What we refer to as a Bates number?

A. I call it a magnetic number.

Q. Oh. Was it a --

Was it something that could be readed by -- read by strip?

A. Yeah, I can read those numbers. I can look at the document and see the numbers on the documents.

Q. Oh, I'm sorry.

A. Oh.

Q. When you use the word "magnetic strip," I always think of the little code that's sitting on the side of our -- on the side --

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A. This little code.
Q. Okay. So that what you mean is --
And you're referring here to the numbers that are appearing on Exhibit 48; correct?
A. Right. That's what I look at.
Q. Is this actually some kind of a magnetic sticker that's stuck on the documents, do you know?
A. I don't know how they did it on there. I know it's a number that's on my documents.
Q. Okay. But if I were to go look at the original of this document, would this be stamped on here or would there be like a little removable strip put -- put on there, like a sticky almost?
A. Gosh. I'm trying to think. I've looked at these documents --
Some I've looked at have been a sticky.
Q. Okay. And some have not been?
A. I don't -- I don't recall looking at --
I've looked at very few of them, so I don't recall, but some of them have been a sticky.
Q. Do these numbers have any significance to you? What I'm referring to is the numbers on, for instance, Exhibit 48. I mean could you look at this number and tell me when this document was first --
A. No, sir.

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Q. -- collected out of the files?
A. No, sir.
Q. Independent of what the lawyers did in collecting the documents, did you make any notation in any of the logs or on any of the transfer sheets that this box had been looked at by lawyers?
A. What kind of --
What logs?
Q. Well we've talked again about --
I think you got a computerized list of -- of all your boxes retained in the records management center; right?
A. Yeah.
Q. If you were to go to that computerized list and pull up our hypothetical box, box 510, could you tell by looking at your computerized list whether at one point in time that box had been reviewed by attorneys for purposes of litigation?
A. No.
Q. Other than physically opening the box up and looking at documents to find these numbers, which we often refer to in litigation as Bates numbers, do you have any other method of telling whether a box of documents has been reviewed previously by attorneys?
A. No. No, I don't.

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Q. There's no physical mark on the outside of the box at all?
A. No.
Q. In addition to looking at the box -- boxes in records management, did the attorneys also go through your personal files --
A. Yes, sir.
Q. -- in 1984?
A. No, not --
In 1984?
Q. Right. Right now I'm talking about 1984.
A. Nineteen --
No, not to my knowledge. I was -- I was new in the department and I don't remember them doing it.
Q. Did they go through other employees' files in the records management department?
A. I don't know.
Q. As a part of this 1984 review process, was there a document-retention hold in effect at this time period?
A. Yes, sir.
Q. Did that document-retention hold apply to all documents from all departments?
A. The departments that I mentioned before, R&D, marketing, sales, those.

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Q. Okay. So the R& -- and when we're --

Just so the record's clear, I think you and I understand what both of us are talking about, but when I say "a records-retention hold," that's a -- a decision made that at that point in time no more documents are going to be destroyed; correct?

A. Right.

Q. And that records-retention hold in 1984 was imposed upon records from the R&D department, the marketing and sales department, the external relations group department and the executives; correct?

A. The ones that I can remember.

Q. And that's the best of your memory as you sit here today, that that group of departments in 1984 --

A. That that -- yes.

Q. -- had a hold.

A. I was new in the department at that time and --

MR. JONES: As she indicated earlier, there may have been others.

THE WITNESS: Yeah.

MR. JONES: But in any event, those are the ones you recall.

THE WITNESS: Right.

Q. When was that document review completed in

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1984? Did it take the entire year?
A. Oh, since 1984 it's been a continuous --
Q. Well let me just ask you this: Did the document-review process in 1984 at some point come to an end?
A. Not to my knowledge.
Q. So is it your testimony that continuously since 1984 attorneys have been in the files in records management?
A. Yes, sir.
Q. Has there been an attorney going through files in records management since 1984 every week?
A. No, not --
Well I work with the law department or -- or someone in the law department weekly on looking for files --
Q. And --
A. -- or looking for boxes.
Q. And you've been doing that since 1984?
A. Yes.
Q. And since 1984 there has been a continual search for responsive documents?
A. Yes, in -- in the records center and in the active files.
Q. At any time since 1984 have you been given a

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list of -- of categories of documents and told, you know, "Please pull all of these documents for this specific piece of litigation?"

A. I pull basically on box numbers, not documents.

Q. So when you're asked to pull documents, somebody will basically send you a list -- a list of a number of boxes that they want pulled; correct?

A. Yes, sir. And I have at times done some research on some things for -- for my actual transfer sheets that were sent in.

Q. What types of research?

A. Just names. Name resource. "Can you please find me all the files for so and so."

Q. For instance, have you ever been asked to find all the files for Claude Teague?

A. Yes, sir.

Q. Have you ever been asked to find all the files for Alan Rodgman?

A. Yes, sir.

Q. Have you ever been asked to find all the files for Francis Colby or Frank Colby?

A. Yes, sir.

Q. Have you ever been asked to find all the files for Ross Johnson?

A. Ross Johnson?

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Q. Right.
A. I don't remember looking for his files, but --
Q. How about another gentleman named John Ston, have you ever been asked for look for all the John Ston files?
A. That name's not familiar to me.
Q. Okay. What other individuals do you recall being asked to look for all their files?
A. Those are the ones that I -- that I remember right offhand.
Q. How about --
A. I'm sure there's others, you know.
Q. How about Diane Burrows?
A. I don't recall.
Q. How about a gentleman named Nordine?
A. I don't -- I don't know that name.
Q. What happens to the files of employees who retire and leave the company -- retire or leave the company?
A. They're put in the records center.
Q. Is there a policy in place that requires someone to go in and make sure all of that individual's files are retained?
A. Yes, sir.
Q. For instance --

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A. Well I --

You know, basically they're sent straight to me.

Q. Let's step back just -- just half a step and let's talk for a second about the retention policy.

If you have an individual who decides to leave the company --

A. Yes, sir.

Q. -- or perhaps is even asked to leave the company, is there a process in place where somebody else will go in and, before that individual is allowed to leave the premises, make sure that that individual is leaving all documents that are RJR Tobacco property at that office?

A. Yeah, there's a lot of ways of communication in RJRT that tells people those are the company's documents and they're to leave them.

Q. Right. When you get into a situation, though, where perhaps the person is leaving under less-than-friendly terms, are there other security procedures put into place to make sure that that person's --

A. Yes, sir.

Q. -- documents are retained?

A. Yes, sir.

Q. And what are those procedures?

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A. I don't know the -- the particulars on that, but I do know there are procedures.
Q. And once an individual actually leaves the company, does somebody then go in and go through all those files?
A. They're usually boxed and sent. Sometimes they've already been screened when they come to me, but they are sent to me.
Q. What happens during the screening process?
A. What happens during the screening process, they come to your office, they take all your files, they -- they screen them, they image them, and they're indexed into a database.
Q. Okay. Let's just -- let's just go back. First of all, who comes to look at these files to take these files?
A. One of the lawyers usually come, or a legal assistant or lawyer.
Q. They then --
What you testified to was they screen the documents. Is that they separate out those documents that are going to be kept and those documents to be thrown away?
A. I would guess.
Q. Do you know whether --

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A. Not thrown away. Documents wouldn't be thrown away.
Q. What would happen, would they be screened into different piles?
A. I don't -- I don't know their process that well, but they would be screened. But they wouldn't -- I don't think they would be thrown away since we have a no-destruction policy.
Q. Would an attempt be made to separate out purely personal papers?
A. I don't --
Q. Well, for instance, you know, if for some reason somebody kept their children's art work in the file, would that be taken out of the file?
A. I don't know. I don't think so.
Q. I think once you said that the documents were screened, they were then imaged?
A. Yes, sir.
Q. Where would they be sent for imaging?
A. COMPLISS.
Q. When you say "imaged," are you talking about computer imaged?
A. I'm assuming.
Q. Is it your understanding that they're placed on computerized disk?

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A. Yes, sir.
Q. I believe you said they're then indexed?
A. Yes, sir.
Q. What is done in that indexing process?
A. I don't know. I just have a -- I just have an awareness they are indexed.
Q. Have you seen the index?
A. No, sir.
Q. And following indexing what's done with the documents?
A. They're sent back to the custodian.
Q. And when you refer to a custodian, you -- are you referring to a document custodian in an individual department?
A. Yeah. If -- if they're in their active files, they have to carry on with business, so they would be given back to the custodian.
Q. And then would any documents that the custodian doesn't need, would those then be boxed up and sent to your department?
A. Yes, sir.
Q. Are all RJR documents at some point computer imaged?
A. All RJR documents?
Q. Yeah.

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A. No.
Q. Just ones that have been screened out and taken from individuals' files?
A. Yeah. We don't --
Q. In other words, only documents that have been sent to COMPLISS will be computer imaged; correct?
A. Yes, to my knowledge.
Q. And is this process of -- of looking through documents, be they from former employees or current employees, and having those documents sent to COMPLISS for computer imaging, has that been ongoing since 1984?
A. To my knowledge it has.
Q. I would next like to talk just about the time period generally between 1984 and the time document requests were first served in this litigation, which was June of 1995, give or take. From 1984 to June of 1995 were specific reviews done in your department for specific litigations?
A. Well there had already been this mass reduction -- you know, production or reviewing of documents, and it's ongoing.
Q. So the mass production you're speaking about, that's the 1984 production; right?
A. Yes.

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Q. And then from time to time over the next 11 years that process was updated; correct?
A. Yes.
Q. And each time that process was updated, additional documents were removed from files and sent to COMPLISS for imaging and indexing; correct?
A. Yes, sir.
Q. And when attorneys came back through, would they pull you aside and say, "Okay, we've got an individual request from, for instance, a case in Indiana and we need to -- to find X documents, would you please look at this request and help us find those?"
A. No, sir. I don't ever know --
Sometimes I don't know what case or what they're work -- working on.
Q. You just know that attorneys show up and want to look at documents, boxes.
A. They call me and have a request for me to pull so and so. They don't necessarily tell me what they're working on.
Q. Have you ever seen -- seen a specific document request from the Minnesota litigation?
A. Yes.
Q. When?

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A. Couple weeks ago.
Q. Prior to --
And that was in preparation for this deposition; correct?
A. Yes.
Q. Prior to seeing the Minnesota document requests in preparation for this litigation, had you ever previously ever seen -- seen any document requests issued by the state of Minnesota in the -- in this current litigation?
A. No, sir.
Q. Do you have any knowledge of the number of documents that have been collected and stored at COMPLISS at any point in time?
A. Somewhere I've heard six million pages. I don't -- I don't know if that's --
Q. Do you know how many documents had been collected and stored at COMPLISS as of August of 1994, the time period when this suit was first filed?
A. No, sir.
Q. But this large production, this first big production, that took place 10 years prior to 1994; correct?
A. Yes, sir.
Q. I want to try to get some idea of the magnitude

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of the effort in 1994 compared to the magnitude of the effort that went -- that has been undertaken since 1984, and this is going to be somewhat ambiguous to get at, so I'm going to try to do it this way.

To the best of your knowledge, approximately how long did it take attorneys in 1984 to make their first sweep through the RJR documents?

MR. JONES: Note my objection. I think she already testified to that.

Go ahead.

A. I don't know.

Q. How long did it take them to make their first sweep through your department's documents?

A. Sir, I don't know. I was -- I was just new into the department, so I don't know.

Q. Are there outside attorneys that have their permanent offices at the COMPLISS facility?

A. I think so.

Q. Are those Womble Carlyle attorneys?

A. Yes, sir.

Q. Do you understand that since 1994 to the present, that there have been numerous large lawsuits brought against R. J. Reynolds Tobacco Company?

A. I know there have been.

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Q. And do you know they've been brought --
There's a class action, are you aware of that, the Castano class?
A. I know about class actions, but I don't --
Q. And numerous cases by numerous states including the state of Minnesota?
A. Yes, sir.
Q. At any point in time as you've looked for documents since June of 1995, have you been told that this is specifically for the Minnesota litigation?
A. No, sir.
Q. So if I were to ask you what's been specifically collected for the Minnesota litigation, would you be able to tell me?
A. No, sir.
Q. And you wouldn't be able to tell me that information even for your department; correct?
A. No.
Q. Do you have any knowledge as to what documents have actually been produced in the Minnesota litigation?
A. No, sir.
Q. So, for instance, you can't tell me what documents have specifically been selected for production; correct?

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A. Well I know that, you know, they're continuously screening various areas.
Q. But the screening process is in order for them to basically identify a group of documents they want to look at further; correct?
A. I don't know.
Q. All you know is that -- that at some point lawyers continue to come back and ask you to give them more boxes of documents.
A. Yes, sir.
Q. But you don't have -- have any individual knowledge of the actual documents that are eventually selected by the lawyers and sent to our depository in Minnesota; correct?
A. No, sir.
Q. Since 1984 have any documents been destroyed from your facility?
A. We have destroyed some financial records according to their retention policies, some financials.
Q. Anything else?
A. Not that I'm aware of.
Q. Could documents be taken out of the records center and destroyed without your knowledge?
A. No, sir.

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Q. It's my understanding on occasion you are asked to send documents to COMPLISS. You're asked to send boxes of documents to COMPLISS; correct?

A. Yes, sir.

Q. Before sending those documents, do you open up the box and make a record of every document in that box?

A. No, sir.

Q. And when that box comes back to your facility, do you open up to make sure that no documents have been removed --

A. No, sir.

Q. -- permanently from that box?

A. No, sir.

Q. So it's possible that documents could have been removed from documents under your control once they leave your control; correct?

MR. JONES: Note my objection.

Q. Okay. Let me just clarify this.

It's possible that once you send a box of documents to any other location, either back to R&D or back -- or over to COMPLISS, that it's possible documents could be removed from that box; correct?

MR. JONES: Note my objection.

A. I mean I have no way of knowing, but I don't

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think so. I don't think anybody would take them out.
Q. And I'm not trying to suggest anything was done or anything sinister is afoot here, all I'm trying to clarify is that there is no procedure in the records management center to ensure that every document that's in a box that leaves the center is in fact sent back to the center; correct?
A. I have no way of knowing.
Q. In other words, you couldn't actually determine whether every document that has been sent outside of the center is in fact returned to the center when that box is sent back; right?
A. No, the box is sent back to me.
Q. On occasion do you have boxes requested from the document-retention center by other departments?
A. Other departments?
Q. Sure.
A. They can call their own boxes out.
Q. So research and development could ask you to have a box of stored documents back; correct?
A. Yes. That's their box.
Q. How do you record that transfer back to them?
A. Back to them? We do a delivery sheet to them.
Q. And is there some record made in your computer log that --

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A. I have a tracking system.
Q. So there's a tracking system whereby you make an entry in a computer log that would indicate that this document -- this box of documents has went back to another department; correct?
A. To --
Yeah, if they -- if it's their record.
Q. But, for instance, marketing couldn't ask to have a box of documents that had been originally placed there by R&D.
A. No, sir.
Q. In the time period you've been with the document retention center, has R&D ever asked to have boxes sent back to it?
A. Yes, sir.
Q. Is that a fairly regular occurrence?
A. Just occasionally.
Q. How about marketing, did they ever request documents back?
A. Yes, sir.
Q. And just so we're clear, the only people that have -- would have a detailed understanding of what is in an individual box would either be the person from whom those documents were taken, potentially the custodian from that department, or if certain of

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those boxes had been reviewed and imaged in their entirety by the legal department, COMPLISS; right?

A. Right.

Q. Do you know whether in 1984 the legal department was reviewed for documents?

A. I know they -- they are reviewed, but I don't remember in '84.

Q. Would you just take a look back at Exhibit 53. On the first page of Exhibit 53 it uses the word "Screened." Do you know what that word means in the context of this document, Exhibit 53?

A. It means that Law -- or COMPLISS screened these documents.

Q. And that means they went through them and may or may not have made copies of documents out of those departments; correct?

A. Yes, sir.

Q. Do you know who put this document 53 together?

A. No, sir, I don't.

Q. On page two it states "Selected." Do you know what that means?

A. Yeah, they -- they made inquiries to identify documents.

Q. Do you know how that was done?

A. No, I don't.

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Q. Were you involved at all in that process?
A. I'm sure that --
I don't know for sure. They may have gone into the department.
Q. Is the distinction between "Screened," which appears on the first page of Exhibit 53, and "Selected," which appears on the second page of Exhibit 53, that when documents in a department were screened, that every document was went through, and as for selected, only certain --
A. Certain.
Q. -- files were looked at?
A. I don't know, but that could be.
Q. Do you know who could give me the answer to that question?
A. No, sir, unless it would be counsel.
Q. Do you have any knowledge of the ongoing production of documents in cases other than Minnesota?
A. No, sir, I don't.
MR. O'FALLON: Why don't we take a five-minute break.
THE REPORTER: Off the record, please.
(Recess taken.)
BY MR. O'FALLON:

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Q. I just want to go back and clarify one issue. I think you and I both understand each other, but I just want to make sure for the record that -- that I really do understand the entire process.

When I was talking about, for instance, the R&D department checking out a box of documents, I was asking whether or not somebody from your -- whether -- I think I said whether you, actually, look at the box to see what's in the box before it's sent out, and what I really meant is you or anybody from your department. So let me just go back and ask that again.

When R&D or any other department checks a box -- box of documents out from the records management center, do you or anybody from your department go through and physically check the contents of that box prior to sending that box out to R&D?

A. No, sir.

Q. And similarly, when that box is sent back to you from whoever checked it out, no one goes through that box to make sure that everything there when it was sent out is still in the box; correct?

A. No, sir.

Q. You talked previously about the Minnesota document request and you said you saw it for the

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first time two weeks ago. Is that the first actual document request you've seen that is a litigation document generated by an adverse party?

A. From time to time we get memos or updating of some litigation and what -- you know, the preservation of documents and stuff through the company. We have several means of communication. We have a Target Vision, which is a TV monitor that's in-company used, we have E-mail that alerts us, you know, we're under a document preservation.

Q. Do you have --

Do you work with computers every day in your job?

A. Yes, sir.

Q. And do you have a computer at your desk?

A. Yes, sir.

Q. Is that computer networked to other computers throughout RJR?

A. No, sir.

Q. It's a stand-alone computer?

A. Well I have a -- yeah, a --

I have a PC. It's a mainframe system.

Q. The RJR computer system is a mainframe system?

A. Well my system is. Not all of it is, but my system is a mainframe system.

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Q. And what specifically is in your mainframe system, what kind of information?

A. Well I can --

When people call for boxes, I can just put the box number in and their name. It generates a -- a delivery report and it tells who that box is going to.

Q. Okay.

A. Same way with a pick-up sheet, I can generate a pick-up sheet. They will call me and say box number so and so is ready to be picked up. Same thing there.

Q. When you generate one of these box pick-up sheets or transfer sheets, does the computer automatically then update your generalized list of all -- of all documents? And let me just try to clarify that. Again, if somebody, let's say from R&D, requests the mythical box 510 --

A. Right.

Q. -- and you then generate these computerized reports, does the computer then automatically note in the database that box 510 is now in the R&D facility?

A. Yes, sir.

Q. So you don't have to, you know, generate the report and then go back and update it.

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A. No.
Q. That function is done automatically.
A. Right. That's my tracking system.
Q. And your tracking system is on the mainframe computer --
A. Yes.
Q. -- in records management; correct?
A. Yes, sir.
Q. Are there other computers in records management that are networked with other RJR Tobacco computers?
A. No.
Q. How many boxes are there currently in records management?
A. I have seventy-four thousand something odd boxes in the records center.
Q. To the best of your knowledge, what's the oldest box you have in records management?
A. The oldest box? It would be in the 19 -- to my knowledge, the 1940's. I don't know exactly the year, but 1940's. There may be some older.
Q. Do you believe you have a complete collection of all the documents generated in the research and development department from 1954 to the present, excluding working files?
A. Yes, sir.

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Q. How far back do your records transfer lists go?
A. How far back?
Q. Right.
A. Gosh, I don't know. All the way back, if --
If the box is there, then all the way back to when that box was put in the records center.
Q. Do you know when the records center was established?
A. I'm sure there's been a record center -- center for over 40 years. I don't know the exact date. Forty -- forty odd years.
Q. How long has the records center been at the current -- your current location?
A. Since 1991.
Q. Where did it move from?
A. It moved from down -- well, from Winston-Salem -- well from one end of the town to the other.
Q. What facility did -- was it originally housed at?
A. It was actually in a facility called the Duplan Building.
Q. Do you know how long the records center was in the Duplan Building, give or take?
A. No, I don't.

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Q. Your records-destruction records, how far do those go back in years?
A. Records-destruction records?
Q. I'm sorry, I'm not using the correct term. I forget, what -- what is the document called when you actually destroy records, when you destroy a box of records?
A. Well it -- it's called a records-destruction record. Um, that's a permanent record.
Q. Yeah, I understand. How far do those go back in terms of years, to the best of your recollection?
A. I have no idea.
Q. Have the records transfer lists ever been copied and sent to COMPLISS?
A. Not to my knowledge.
Q. Have the records-destruction records ever been copied and sent to COMPLISS?
A. Not to my knowledge.
Q. Has your records-retention database ever been downloaded and sent to COMPLISS?
A. No.
Q. Is the business information center connected with your facility at all?
A. No, sir.
Q. Do you know what that facility is?

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A. A library is basically what I know about it.
Q. What department is that in?
A. It would be marketing, I would think.
MR. O'FALLON: Can we just go off the record for a second.
THE REPORTER: Off the record, please.
(Discussion off the record.)
BY MR. O'FALLON:
Q. I previously asked you whether the Minnesota document requests which you saw in preparation for this deposition were the first actual document requests you have ever seen, and you talked a little bit about the other communication systems you have at Reynolds. But as for actual document requests from plaintiffs, were those the first actual document requests you've personally ever seen?
A. Yes.
Q. Other than the records center which you work at, is there any other records-retention facility of a permanent nature -- and I'm leaving out COMPLISS on this -- for R. J. Reynolds Tobacco?
A. No, sir.
Q. Does RJR Nabisco have a separate records-retention center?
A. Yes, sir.

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Q. Do you ever have any interaction with that records-retention center?

A. They do --

People that need records from there do come through me. I'm the authorized person for them to get boxes.

Q. Okay. When you say "people who need records," is that RJRT employees?

A. No. RJR Nabisco employees.

Q. So if an RJR Nabisco employee needs a record from RJR Nabisco's records-retention center, they would come and ask you?

A. They would come and ask me. They would give me the box number and I would give that to the -- the contract records center.

Q. And where is that contract records center located?

A. It is in Winston-Salem.

Q. Is RJR Nabisco charged for the service you provide?

A. Yes, sir.

Q. I'd asked you previously whether there were any shared functions or any -- any functions your department performed for RJR Nabisco, and it appears that there are these functions that you do perform

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for RJR Nabisco.

A. That --

Q. Correct?

A. Yeah.

Q. Who's in charge of the RJR Nabisco document-retention center?

A. It's a place called North Carolina Records Control Center.

Q. Do you know whether the attorneys have ever reviewed documents from that center --

A. I don't know.

Q. -- for production in this litigation?

A. I don't know.

Q. Who would know that information?

A. I would expect the counsel -- attorneys would know that.

Q. If an RJR attorney was going to get a box of documents from this North Carolina Records Control Center, they would have to make that request to you; right?

A. They would have to call me.

Q. Have any such requests been made?

A. Not to my knowledge.

Q. Have you ever sent RJR Tobacco documents for storage at the North Carolina Records Control Center?

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A. No, sir.
Q. The documents that come to your facility, are they secure?
A. Yes, sir.
Q. Not just anyone can get into those documents; correct?
A. No, sir. No, sir. We have radar security, we have motion detectors, we have cameras in the warehouse, have a monitor that monitors that warehouse. You have to sign in and also show a badge when you come in to our records center.
Q. R. J. Reynolds Tobacco considers its documents an important corporate asset; correct?
A. Yes, sir.
Q. And I believe, as you've testified previously, employees for R. J. Reynolds are informed about the importance of the documents to R. J. Reynolds; correct?
A. Yes, sir, we are. There's a -- an awareness throughout the company.
Q. The documents employees are instructed to retain in their files at RJR Tobacco are documents that those individuals use in the course of their business for RJR Tobacco; correct?
A. Yes, sir.

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Q. That is, those are documents that either those employees create themselves or documents that those employees collect in order to carry on their business functions with R. J. Reynolds Tobacco; correct?
A. Yes.
Q. And the documents that are sent to your facility are similarly documents that are important to RJR's business; correct?
A. Yes, sir.
Q. That is, they're documents that employees have used in the past to conduct their business at R. J. Reynolds Tobacco; correct?
A. Yes, sir.
Q. And they're documents that may still serve a business function in RJR's ongoing business; correct?
A. Yes, sir.
Q. And the fact that documents are from time to time requested from the records center reflects the fact that those documents still do serve an important business purpose at RJR Tobacco; right?
A. Yes.
Q. Have you ever authorized documents to go from your facility to any other location other than the department from which those documents came or COMPLISS?

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A. No, sir.
Q. During the time that you've been with RJR Tobacco, have any portions of RJR Tobacco's business been sold to other companies such that documents accompanying that sale were sent to another company?
A. No, sir.
Q. So to the best of your knowledge, no RJR Tobacco documents have ever been transferred to another company; correct?
A. No, sir, they have not.
Q. Nor have they ever been transferred overseas; correct?
A. No, sir.
MR. O'FALLON: At this point I have no further questions. Thank you for your time.
MR. JONES: Dan, let me just mention one or two things.
MR. O'FALLON: Sure.
MR. JONES: And if you want to follow up, you can.
MR. O'FALLON: Yeah. Go ahead.
MR. JONES: I just want to make sure. At one point you were discussing whether or not there's other documents somewhere else. I wanted to let you know there is a small public relations office in

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Washington, D.C. Dottie talked about some government affairs documents that are here in Reynolds, all which is accurate, but there is another small public affairs office that was part of a different company, and as I understand it for a while that recently is part of Reynolds. Those documents have been screened as well, but I just wanted to alert you to that.

MR. O'FALLON: Jeff, can you just tell me what -- what other company they were originally a part of?

MR. JONES: I -- I don't really know. I -- I just -- but -- but I think -- I -- I think now that office --

It's a relatively small office, but there's one in Washington, D.C., and I think it's now part of RJR Tobacco.

MR. O'FALLON: Okay.

MR. JONES: And I just -- I don't think this is -- is really actually responsive to any of your particular questions, but I wanted to alert you to it because some of them kind of asked around it in a way. And then there was one thing I want to let you know, Dan, which is my understanding is that there are a small -- or a -- a collection of documents at the records center, as I understand it,

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that are from a separate company, a Reynolds international affiliate, and again I -- I don't think this relates to your particular questions, but you were kind of -- at one point you were asking around whether or not there were any -- what documents were there, and I didn't want you to leave without the opportunity to ask about that if you wanted to.

MR. O'FALLON: Good enough. Did you say those were from an international facility?

MR. JONES: Yeah. It's a separate -- No, not a facility, a separate international company.

MR. O'FALLON: Okay.

MR. JONES: And actually this has been the subject of correspondence, Dan, probably before you got involved, but Roberta Walburn had sent us letters about a relocation of an international affiliate. The international affiliate went to Switzerland.

MR. O'FALLON: Right.

MR. JONES: And prior to Switzerland, some of its older documents were kept at the records center, and they're still there.

MR. O'FALLON: Okay. Which -- which international affiliate is that?

MR. JONES: Oh, I think it was called RJR

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International.

MR. O'FALLON: Okay. That's what --

MR. JONES: I'd have to double check the correspondence to be sure.

MR. O'FALLON: And Jeff, again I'm not asking -- I'm not trying to ask you the questions on this, but have the RJR International documents that are at the records center, have those been searched for production in this case?

MR. JONES: No. I mean we told the plaintiffs in a letter from a year and a half ago very explicitly that -- that we were not looking at corporate affiliate documents. And I think in fact Corey Gordon has, you know, used that letter quite frequently lately to acknowledge that fact. I mean everybody is aware of that.

MR. O'FALLON: I actually read that correspondence, and that's why I'm asking the questions. It was my understanding that the agreement was that you wouldn't search corporate affiliates unless those corporate affiliate documents were physically here in the United States. That was my understanding. For instance, it was my understanding that you wouldn't search Cologne for responsive documents, but if documents from

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Cologne -- research and development documents were in the files in R&D, that those would be searched and those would be produced if responsive.

MR. JONES: Well it's close to that, but that's not quite accurate. The agreement as we've understood it is that we will not look for the documents that were generated or owned by a separate corporate affiliate to the extent those are still that company's documents. But many affiliates -- and, you know, documents may flow in to Reynolds Tobacco's files, and those would be picked up by the regular production process.

MR. O'FALLON: Okay. I -- I think that's a distinction that I was certainly not clear on and I'm not sure my folks were clear on, so this transcript is going to serve to clarify that issue. Obviously the people most knowledgeable about that issue from our side will be Roberta Walburn and Corey Gordon, and I'll ask them to specifically look at this transcript and see if that accords with their understanding of our agreements.

MR. JONES: That's fine. And if there's any ambiguity or questions or concerns of any kind, I'd be happy to meet and confer on it. But --

MR. O'FALLON: Why don't I just ask a few

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follow-up questions on these two pieces of information.

BY MR. O'FALLON:

Q. Are you familiar with this public affairs -- this public relations office in D.C. that's recently been acquired?

A. Yes.

Q. Do you know who that was acquired from, what company?

A. RJR Nabisco, I think.

Q. Okay. So the public affairs department that was previously RJR Nabisco is now owned by RJR Tobacco.

A. Yeah.

Q. How large an office is that, do you know?

A. I don't know.

Q. As part of that acquisition did you receive documents from that public relations facility in Washington, D.C.?

A. I think what would happen there is their documents would be sent to the external relations department here.

Q. Do you know if that actually happened?

A. I don't know.

Q. Do you know when this acquisition took place?

A. No, sir.

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Q. Have you or any of your staff members had the opportunity to go to Washington, D.C. and set up a RJR Tobacco document-retention plan?

A. No, sir.

Q. Do they now fall under the document-retention policies of RJR Tobacco?

A. They will now.

Q. Is this a recent event?

A. I don't know when it took place.

Q. Do you think it's been within the last year?

A. I'm sure it has.

Q. Which international company has documents stored at the records center?

A. It was just called RJR -- RJRT International.

Q. Where did those documents come from?

A. I guess --

They were originated here in Winston-Salem.

Q. So in other words, these have always been documents that have been on American soil.

A. Yes, sir.

Q. And RJR International, are their offices actually in Winston-Salem, North Carolina, or were they?

A. They were.

Q. And at some point in time RJR International

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relocated those offices to Switzerland?
A. Yes, sir.
Q. When did that take place?
A. I think this year. '96. I'm note real sure, but in the last year.
Q. Who was the head of RJR International, do you know?
A. I do not remember the name.
Q. Did RJR International report to RJRT executives?
A. It was -- it was a separate company, so I don't -- I don't -- I don't know.
Q. We've had some discussion earlier today concerning the international R&D department, and it appeared that there was a direct line of reporting between international R&D and -- and the RJRT American executives.
A. Right.
Q. Is RJR International a similar construction?
A. I don't know.
Q. How long do you anticipate that you will be storing the RJR International -- the RJR Tobacco International documents?
A. The ones that I have in there now will stay until the destruction date comes up for them.
Q. And when is that date?

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A. I have --

I don't know. It would -- it would be according to their retention-schedule guidelines.

Q. Do you know what type of documents are in those boxes?

A. They have --

I know they have some shipping orders, and that's the only one that I can remember right off the top of my head.

Q. Do you know whether there are any research and development documents in those boxes?

A. No, sir.

Q. What is RJR --

What does RJR International do?

MR. JONES: Note my objection, but go ahead.

A. I don't know.

Q. Are you familiar at all with their business?

A. No, not really.

Q. Do you know how many employees they have?

A. No, sir.

Q. Do you know how much space they occupied in Winston-Salem?

A. Three floors in the Plaza Building -- Building, to the best of my knowledge.

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Q. How many boxes do you have currently in storage for RJR International?

A. Sir, I don't know.

Q. What would be your best estimate?

A. Hmm, three or four thousand. I don't -- I don't -- I don't know if that's an accurate figure, but --

Q. When RJR International moved to Switzerland, were documents from RJR International shipped to Switzerland?

A. No, sir.

Q. Are all the RJR International documents stored in your facility?

A. Yes, sir.

Q. How does RJR conduct its ongoing activities?

A. RJR International?

Q. Right. Doesn't it need a documents --

Doesn't it need its documents in order to conduct business?

A. But these would be inactive. I would think that they would be inactive documents.

Q. Okay. How about the active documents, what happened to those documents?

MR. JONES: Dan, again this came into -- this may relate to correspondence we had before you

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got involved, but we have correspondence to Roberta Walburn that those documents were copied prior to the relocation. So they would have a set that they took with them, but a set was also retained here in the United States.

Q. Okay. And where was that set retained?

MR. JONES: Well --

A. Law COMPLISS.

MR. O'FALLON: Is that right, Jeff?

MR. JONES: That I don't know.

MR. O'FALLON: Okay.

THE WITNESS: It --

Q. Are you familiar -- were you --

Was it your understanding that a set of the active documents was in fact copied before RJRT was transferred?

A. If they were --

If they were copied, that's where they would be, in Law COMPLISS.

Q. Have attorneys ever requested documents --

Have the attorneys ever requested boxes from RJR International for review at COMPLISS, do you know?

A. Yes. There -- there was a department under RJR International called Arjay that they requested.

Q. What's Arjay? How is that spelled?

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A. A-r-j-a-y.
Q. Okay. Do you know what Arjay did?
A. No, not really.
Q. So Arjay was a subsidiary of RJR International?
A. Yes, sir.
Q. And at some point in time the attorneys have requested the documents related to Arjay.
A. Yes, sir.
Q. When was that request made?
A. Several months ago. I don't know exactly when, but they did request them all.
Q. Have those Arjay documents been returned back to your facility? And again, Arjay is A-r-j-a-y; correct?
A. Uh-huh.
I think they have.
Q. So as far as you know, the Arjay documents have been reviewed by your attorneys; correct?
A. Yes, sir. Yes, sir.
MR. JONES: Just note the objection to "your attorneys." I'm not quite sure --
THE WITNESS: Oh.
MR. JONES: She doesn't necessarily know what attorneys, but --
THE WITNESS: Oh.

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Q. I'm sorry. The Arjay documents have been sent to COMPLISS --

A. COMPLISS.

Q. -- and is it your understanding that the reason they're sent to COMPLISS is for review by the individuals who work at COMPLISS?

A. Yes, sir.

Q. And that review has been completed; correct?

A. Yes, sir.

Q. And you know that because the documents are now back in your possession; correct?

A. Yes, sir.

Q. Have you had a chance to look in any of those boxes?

A. No, sir.

Q. So as you sit here today, you can't tell me whether any of those boxes -- strike that -- whether any of those documents have been imaged and indexed; correct?

A. That's right.

Q. Over what period of time, if you know, were the three to four thousand boxes of documents for RJR International generated?

A. I don't recall. I don't have any idea.

Q. Do you know whether all the active files of RJR

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International were sent to Sweden -- or to Switzerland?

A. I don't know.

Q. Do you know whether or not attorneys reviewed the files prior to allowing those files to be sent to Switzerland?

A. I don't know for --

I don't know. I know they sent a lot of boxes into the records center.

Q. Did the attorneys review the documents from RJR International prior to them being sent to the records center?

A. I don't know.

Q. Were you ever in the facilities, the three or four floors of RJR International?

A. Yes.

Q. To the best that you could tell from simply being in those facilities and looking around, what types of functions went on in those facilities?

MR. JONES: Note my objection.

A. I don't -- I don't know.

Q. Were there any labs as part of those facilities?

A. No, not to my knowledge.

Q. Do you know whether any scientists worked for RJR International in those three floors?

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MR. JONES: Again, note my objection.

A. I don't know.

Q. Of these three to four thousand boxes, I believe you said there was some shipping reports?

A. Shipping orders.

Q. Anything else that you can recall seeing in those boxes or noted on the records transfer lists for those boxes?

A. They had some financial reports.

Q. Any marketing?

A. Yes. Yes.

Q. Do you know whether that was marketing related to international sales or any domestic sales?

A. I don't know.

Q. Do you know whether RJR International does anything domestically?

A. I don't -- I don't know.

Q. Are there any other document collections in your facility other than the ones we've discussed here today?

A. No, sir.

Q. Are there any other document collections located in any other RJR department for permanent storage that we have not discussed?

A. No, sir.

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Source: http://www.industrydocuments.ucsf.edu/docs/kqgl0001

MR. O'FALLON: Can we just go off the record for a minute.

THE REPORTER: Off the record, please.

(Recess taken.)

BY MR. O'FALLON:

Q. I'd just like to go back for a minute to the Arjay documents, and that's A-r-j-a-y.

THE REPORTER: Turn your mike on, please.

MR. O'FALLON: Oh, sorry.

(Discussion off the stenographic record.)

Q. I want to just go back and ask a few questions about the Arjay, and that's A-r-j-a-y, records. Where did those records come from?

A. I don't know.

Q. Where is the Arjay facility located?

A. They had an office in the Plaza Building.

Q. What was in the Arjay office?

A. I don't know, sir.

Q. Did they have any facilities outside of that Plaza office?

MR. JONES: Note my objection.

A. I don't know. It's a separate company, so I don't know. International is a separate company.

Q. Are you aware that the plaintiffs in this litigation have asked for the Arjay documents?

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A. No, sir.
Q. Do you know what the Arjay company did?
A. No, sir.
Q. Does the Arjay company pay RJR Tobacco for the storage of its documents?
A. No, sir.
Q. Does RJR International pay RJR Tobacco for the storage of its documents?
MR. JONES: Note my objection.
A. I don't know.
Q. To the best of your knowledge, has your facility ever billed RJR International for the storage and retention of the RJR International documents?
MR. JONES: Note my objection. I'm not sure she's in charge of billing, but go ahead.
A. No, I don't know.
Q. Would that be something that you would be aware of if that took place?
A. No, sir.
Q. Who would know that information? Who's in charge of billing for your department?
A. I don't know who the financial person is. I don't know how they report up or who would do the -- the budgets or the billing for my area. I just don't have any dealings with budgets.

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Source: http://www.industrydocuments.ucsf.edu/docs/kqgl0001

Q. You indicated that if records are requested from RJR Nabisco, that that was billed to RJR Nabisco; correct?

A. Yes.

Q. How did you know that?

A. They send me the bill from this NCRCC, and then I forward it on to New York.

Q. Okay. But my question was a little bit different than that, and that was: Does RJR Tobacco bill RJR Nabisco for your services, the services that you provide in retaining those documents?

MR. JONES: Objection, I don't think she would know that. But go ahead.

A. I don't -- I don't know. We just --

We bill for the storage, but as far as services, I don't know.

Q. Okay. Is the storage that's done by your department billed to other RJRT departments?

A. No.

Q. Okay. And as far as you know, the storage that you're doing for RJR International documents is not being billed to RJR International; correct?

A. Not that I'm aware of.

Q. Approximately how many boxes of documents were sent to COMPLISS when a request was made for the

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Arjay, that's A-r-j-a-y, documents?

A. There was 30 some boxes.

Q. Does --

The RJR International that was located in the Plaza Building, are they connected with the R&D facility in Cologne, West Germany?

MR. JONES: Note my objection.

A. I don't know.

Q. Do you know whether, as part of the documents you are storing on behalf of RJR International, you are storing any documents from the R&D facility in Cologne, West Germany?

A. No, I'm not.

Q. Are there any other corporate affiliates of RJR Tobacco or RJR Nabisco that have documents stored at your records center?

A. No, sir.

Q. Are there any other affiliates of RJR Tobacco or RJR Nabisco that have documents stored at the North Carolina document facility, that independent facility we talked about?

A. Just RJR Nabisco documents.

Q. Did you have responsibility for document retention at those three floors of the RJR International business?

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A. I helped International. They had their own records management person, but I did help them draft retention schedules.

Q. When did that assistance take place?

A. 1992 or 1993. They actually updated them and I assisted them.

Q. Who was the document custodian or control person for RJR International?

A. Their person at that time was Jeanette Stout. She was just a manager that -- that took on the part of drafting or updating retention schedules.

Q. Prior to the transfer of the boxes of documents by RJR International to your facility, where were those boxes stored?

A. The RJR International? They -- I mean it -- it was --

The headquarters was here, and they have been in my facility.

Q. Okay. So those -- those three to four thousand boxes of RJR International documents, those have been in your facility for how many years?

A. For quite some time. I don't know exactly the year, but --

Q. So your department has been performing the records-storage function for RJR International for

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years; correct?
A. Yes, sir.
Q. In 1984 when you first started in the records center, were RJR International boxes stored at the records center?
A. I don't know. I don't remember.
Q. What's the first time that you became aware of RJR International boxes being stored at the records center?
A. I would say '86 or '87.
Q. During any of these records sweeps that we talked about previously, were RJR International boxes ever looked at?
A. Not to my knowledge.
Q. And as we sit here today, the only boxes from the RJR International boxes that have actually been reviewed by attorneys as far as you're aware are the boxes relating to Arjay, A-r-j-a-y; correct?
A. Yes, sir. Yes, sir.
MR. O'FALLON: With that, I don't have any further questions. Thank you for your time. I appreciate you coming down here to do this for us.
MR. JONES: All right. Well thank you very much.
THE REPORTER: Off the record, please.

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(Deposition concluded at 4:42 o'clock p.m.)

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C E R T I F I C A T E

I, Richard G. Stirewalt, hereby certify that I am qualified as a verbatim shorthand reporter; that I took in stenographic shorthand the testimony of DOTTIE W. RATLEDGE at the time and place aforesaid; and that the foregoing transcript consisting of pages 1 through 120 is a true and correct, full and complete transcription of said shorthand notes, to the best of my ability.

Dated at Charlotte, North Carolina, this 17th day of April, 1997.

RICHARD G. STIREWALT
Registered Professional Reporter
Notary Public

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C E R T I F I C A T E

I, DOTTIE W. RATLEDGE, the deponent, hereby certify that I have read the foregoing transcript consisting of pages 1 through 120, and that said transcript is a true and correct, full and complete transcription of my deposition except:

DOTTIE W. RATLEDGE
Deponent

Sworn and subscribed to before me this day of , 1997.

Notary Public

My commission expires .

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